

United States District Court

for

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Donnie Alexander Graham

Docket Number: 04-00876-001

PACTS Number: 40221

Name of Sentencing Judicial Officer: HONORABLE Stanley R. Chesler, U.S. District Court Judge

Date of Original Sentence: January 12, 2006

Original Offense: Conspiracy to Possess with the Intent to Unlawfully Use Five or More Identification Documents, 18 U.S.C. 371 - Count One

Original Sentence: 24 months imprisonment; 3 years supervised release. Special conditions of the defendant's term of supervised release were as follows: 1) Drug Treatment and Urinalysis; 2) Restitution in the amount of \$1161,668.62; 3) Financial Disclosure; 4) No new lines of Credit; and 5) DNA Testing. In addition, a special assessment of \$100 was ordered.

Type of Supervision: Supervised Release

Date Supervision Commenced: October 2, 2007

Assistant U.S. Attorney: Karl H. Buch, , 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: Michael V. Calabro, Esquire, 466 Bloomfield Avenue, Suite 200, Newark, New Jersey 07107, (973) 482-1085

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

- | | |
|----|--|
| 1. | The offender has violated the supervision condition which states ' The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office. ' |
|----|--|

From January 2008 through May 2008, the releasee violated the above Court ordered condition on six occasions. Specifically, the defendant submitted urine specimens which tested positive for illegal substances on:

January 29, 2008 - Positive for THC Metabolite; February 12, 2008 - Positive for THC Metabolite; March 8, 2008- Positive for THC Metabolite; March 26, 2008 - Positive for THS Metabolite; April 22, 2008- Positive for THC Metabolite; and May 6, 2008 - Positive for THC Metabolite.

(Please see attached June 13, 2008 letter submitted by ED/NY Sr. U.S. Probation Officer Kathleen Slevin, as well as copies of urinalysis results).

2. The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

According to a letter submitted by ED/NY Sr. U.S. Probation Officer Kathleen Slevin, the defendant failed to report for his initial intake appointment with Daytop Treatment Services on November 26, 2007. Mr. Graham was rescheduled and completed his intake appointment on January 29, 2008. Reportedly, the offender was scheduled to attend one group therapy session per week and two individual therapy sessions per month.

During the month of February 2008, Mr. Graham missed two groups and one individual session, amounting to half of his total required treatment sessions. In the month of March 2008, Mr. Graham failed to report for one individual session with his counselor. In April 2008, Mr. Graham's attendance became sporadic again until May 5, 2008, at which time he completely stopped attending Daytop altogether. All outreach attempts by both the Daytop staff and the Probation Office were met with negative results. Effective June 6, 2008, the offender was discharged from the Daytop Program due to non-complaint behavior, excessive absenteeism, and loss of contact.

(Please see attached June 13, 2008 letter from ED/NY Sr. U.S. Probation Office Kathleen Slevin).

3. The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

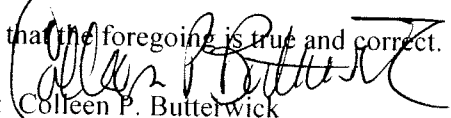
The defendant failed to report to the U.S. Probation Office on several occasions, and neglected to follow directives of his probation officer.

Specifically, the defendant failed to report, as directed, by his Probation Officer on December 10, 2007, December 12, 2007, April 29, 2008, May 16, 2008, May 16, 2008, May 27, 2008, June 10, 2008, and any time thereafter.

ED/NY Sr. U.S. Probation Officer Kathleen Slevin attempted to contact the defendant via numerous messages left on his telephone, letters and certified mail, however the defendant failed to respond. On February 6, 2008, a call was placed to the releasee to confront him with positive urinalysis. Mr. Graham claimed that the drug use was due to putting himself in the wrong place at the wrong time. The defendant has since tested positive for illegal substances, failed to attend substance abuse treatment at Daytop Program, and failed to report the U. S Probation Office.

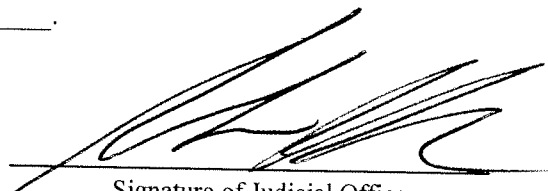
On April 25, 2008, U.S. Probation Officer Kathleen Slevin spoke with the defendant's mother and left a detailed message instructing the defendant to report on April 27, 2008, yet the offender failed to do so, nor did he call his officer. The defendant's whereabouts remain unknown at this time. Phone calls to the offender's noted place of employment indicate that the offender was terminated from his employment sometime as early as March 2008.

I declare under penalty of perjury that the foregoing is true and correct.

By: 
Senior U.S. Probation Officer
Date: August 12, 2008

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other


Signature of Judicial Officer


Date